

Honorable Ricardo S. Martinez

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON AT SEATTLE

ROBERT BOULE,

Plaintiff,

v.

ERIK EGBERT and JANE DOE EGBERT
and their marital community,

Defendants.

No. 2:17-cv-00106-RSM

ORDER GRANTING AGENT EGBERT'S
MOTION FOR SUMMARY JUDGMENT

[PROPOSED]

NOTED ON MOTION CALENDAR:
July 27, 2018

ERIK EGBERT,

Counterclaimant,

v.

ROBERT BOULE,

Counterdefendant.

This matter comes before the Court on Agent Egbert's Motion for Summary Judgment. The Court has reviewed and considered the files and pleadings in this case, including the following:

ORDER GRANTING AGENT EGBERT'S MOTION FOR
SUMMARY JUDGMENT (No. 2:17-cv-00106-RSM) - 1

LAW OFFICES OF
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1. Agent Egbert's Motion for Summary Judgment;
2. Declaration of Agent Egbert, with exhibits;
3. Declaration of Anthony J. Neupert, CPA, with exhibits;
4. Declaration of Dennis Chong, M.D., with exhibit;
5. Declaration of Geoffrey M. Grindeland in Support of Agent Egbert's Motion for Summary Judgment, with exhibits;
6. Notice of Filing Physical Materials with the Clerk;
7. Plaintiff's Response and supporting documents, if any; and
8. Agent Egbert's Reply and supporting documents, if any.

Therefore, being fully advised, the Court GRANTS Agent Egbert's Motion for Summary Judgment in its entirety. All claims against Agent Egbert are dismissed with prejudice.

Pursuant to RCW 4.24.510, the Court FINDS that the information Agent Egbert communicated to the government on June 5, 2014, was reasonably of concern to the government. Accordingly, Agent Egbert is immune from civil liability for Plaintiff's claims based on that communication. The Court further FINDS that Agent Egbert did not communicate information to the government on June 5, 2014, in bad faith. Consequently, summary judgment is entered in favor of Agent Egbert on his Anti-SLAPP Counterclaim. Agent Egbert is entitled to recover the expenses and reasonable attorney's fees incurred in establishing the defense, as well as statutory damages of ten thousand dollars (\$10,000), from Plaintiff.

1 No later than fourteen (14) days from the date of this Order, Agent Egbert shall submit
2 a supplemental motion for expenses and attorney's fees, supported with a Declaration of his
3 fees associated with establishing his Anti-SLAPP Counterclaim. The supplemental motion
4 shall be noted for the second Friday after it is filed. Plaintiff may file a Response no later than
5 the noting date, addressing only the reasonableness of the fees requested. No Reply shall be
6 filed.

7
8 DATED: _____

9
10 _____
Honorable Ricardo S. Martinez
CHIEF UNITED STATES DISTRICT JUDGE

11 Presented by:

12 MILLS MEYERS SWARTLING P.S.
13 Attorneys for Agent Erik Egbert

14 By: s/Geoffrey M. Grindeland
15 Geoffrey M. Grindeland, WSBA No. 35798
16 Nikki C. Carsley, WSBA No. 46650
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CERTIFICATE OF SERVICE

I certify that I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system which will send notification of such filing to:

Breean Lawrence Beggs: bbeggs@pt-law.com, hhoffman@pt-law.com, lswift@pt-law.com

Gregory Donald Boos: gdboos@cascadia.com, gdboos@gmail.com

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I further certify that I mailed a true and correct copy of the foregoing to the following non-CM/ECF participants by U.S. Mail:

N/A

DATED: July 5, 2018

s/Karrie Fielder

Karrie Fielder